

CONFIDENTIAL – PRODUCED PURSUANT TO PROTECTIVE ORDER

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**From:** Wargo, Joseph D. [jwargo@wargofrench.com]  
**Sent:** 10/3/2017 7:48:13 PM  
**To:** Lexi Haden [LHaden@mimedx.com]  
**Subject:** FW: Forensic Linguistic Report - Tyson twitter matter  
**Attachments:** MintzGroup\_Tweet\_Analysis\_Report\_10.02.17.pdf; FITZGERALD - CV - Aug2017.pdf

Done.

**From:** jfitzge176@aol.com [mailto:jfitzge176@aol.com]  
**Sent:** Tuesday, October 03, 2017 7:47 PM  
**To:** Sdresher@mintzgroup.com; PTowill@sheppardmullin.com; Pernini, David M.; Wargo, Joseph D.  
**Subject:** Forensic Linguistic Report - Tyson twitter matter

Staci, David, Jeff, et al,  
As per our recent phone discussion, attached is my report re caption civil matter.  
For your edification, I've also included my CV.

Please feel free to contact me if you have additional questions.

Best,  
Jim Fitzgerald

-----Original Message-----

From: Staci Dresher <[Sdresher@mintzgroup.com](mailto:Sdresher@mintzgroup.com)>  
To: Polly Towill <[PTowill@sheppardmullin.com](mailto:PTowill@sheppardmullin.com)>; 'jfitzge176@aol.com' <[jfitzge176@aol.com](mailto:jfitzge176@aol.com)>; 'dpernini@wargofrench.com' <[dpernini@wargofrench.com](mailto:dpernini@wargofrench.com)>; 'Wargo, Joseph D.' <[jwargo@wargofrench.com](mailto:jwargo@wargofrench.com)>  
Sent: Tue, Oct 3, 2017 4:56 pm  
Subject: Call re: Aurelius and Mike Tyson forensic language analysis results

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# JAMES R. FITZGERALD ASSOCIATES, LLC

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**James R. Fitzgerald, M.S.**  
Criminal Profiler and Forensic Linguist  
Entertainment and Media Consultant  
Author

**215.882.0346**  
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[www.jamesrfitzgerald.com](http://www.jamesrfitzgerald.com)

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## **INTRODUCTION**

Mr. Fitzgerald began his law enforcement career in Bensalem Township, Pennsylvania, in 1976 and had attained the rank of Sergeant by the time he left in 1987. His first assignment as an FBI Special Agent was in the New York Field Division working on the Joint Bank Robbery Task Force where he investigated bank robberies, armored car robberies, kidnapping, threats and extortion. In 1995, he was promoted to the position of Criminal Profiler at the National Center for the Analysis of Violent Crime at the FBI Academy in Quantico, Virginia. There, he focused on the crimes of homicide, serial rape, kidnapping, extortion, product tampering, domestic, workplace, and school violence, text analysis, and threat assessment. Also during that time, Mr. Fitzgerald became an integral member of the UNABOM Task Force in San Francisco, California, where his work proved instrumental in the arrest and successful prosecution of Theodore Kaczynski, also known as the Unabomber. A fully qualified forensic linguist, he has testified numerous times as an expert witness in criminal courts throughout the U.S. Mr.

James R. Fitzgerald

Curriculum Vitae

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Fitzgerald designed and developed the FBI's Communicated Threat Assessment Database (CTAD), a first-of-its-kind fully searchable repository for all threatening and criminally-oriented communications. He has also published numerous articles and books. As a practitioner, he offers operational assistance and expert testimony in areas related to threat assessment, text analysis, and forensic linguistics. He also provides training in the area of forensic linguistics.

## **EDUCATION**

M.S. Linguistics, Georgetown University (2005)

M.S. Human Organizational Science, Villanova University (1988)

B.S. Law Enforcement and Corrections, Pennsylvania State University (1975)

## **CAREER SUMMARY**

**2012 – 2013                    A&E's "Killer Profile" – Executive Producer and Co-Host**

**2008 – Present:            CBS TV's "Criminal Minds" – Technical Advisor**

**2016 – 2017:                    Discovery Channel's "Manhunt: The Unabomber" – Producer**

**2007 – 2016:                    The Academy Group, Inc. (AGI), Manassas, Virginia  
Violent Crime Consultant and Forensic Linguist Expert**

At AGI, Mr. Fitzgerald's duties included, but were not limited to, analyses/assessment of threatening and/or criminally oriented communications within both the criminal and private sector; rendering expert opinions as to the possible authorship of anonymous communications; offering expert testimony in forensic linguistic related matters; teaching one-day to week-long courses in "Threat Assessment and Text Analysis: From a Forensic Linguistic Perspective"; offering training and guidance in matters related to workplace violence.

Mr. Fitzgerald was instrumental in creating and designing AGI's Communicated Threat Assessment Resource Corpus (CTARC), and AGIware, CTARC's operating system. This is a state-of-the-art analytical tool for assessing and linking threatening, criminally oriented, and problematic communications. It was the only private sector corpus/database of its kind in the United States.

**1987 – 2007:                    Federal Bureau of Investigation, Quantico, Virginia**

**Supervisory Special Agent (SSA), 1995 – 2007:** Assigned to the Behavioral Analysis Unit-1 (BAU-1) whose primary mission is to serve the FBI and local and state law enforcement agencies by providing advice and support in the areas of criminal profiling and forensic linguistics, including threat assessment, textual analysis, and matters relating to counterterrorism. BAU-1 personnel review crimes from both linguistic and behavioral perspectives. Crimes investigated include homicide, sexual assaults, threats, extortion, stalking, kidnapping, product tampering, domestic and international terrorism, and other crimes in which text may be involved.

James R. Fitzgerald

Curriculum Vitae

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Instructional courses offered in areas related to counterterrorism, threat assessment, and forensic linguistics both within the US and internationally. These topics were also presented at the FBI Academy to New Agent Trainees, National Academy Students, and to other US and International students.

Developed and was primary instructor for the “Forensic Linguistic Workshop for Law Enforcement Practitioners.” This week-long training course was the first and only of its kind offered to law enforcement personnel in the U.S. There were four separate workshops offered between 2004 and 2007.

Designated Threat Assessment/Textual Analysis Program Manager in 2003. Designed and implemented the FBI’s Communicated Threat Assessment Database (CTAD), a software-based program that is now the primary repository for all threatening communications received by the FBI. Its purpose is to categorize, catalogue, and facilitate advanced searches of all threatening communications for purposes of determining threat level and authorship of incoming communications.

**Special Agent (SA), 1987 – 1995:** Assigned to the FBI’s New York Division. Initially assigned to the Joint Bank Robbery Task Force that, along with bank and armored car robberies, also investigated kidnapping, sexual exploitation of children, extortions, product tampering, and assaults on federal officers. Later transferred to the Gang Squad where the same violent crimes were worked as well as a specialty in outlaw motorcycle gangs.

**1976 – 1987: Bensalem Township Police Department, Bensalem, Pennsylvania**

Attained rank of detective sergeant in 1982. Duties included investigating numerous homicides, rapes, assaults, and other felony cases.

**1985 – 1987: Instructor, Montgomery County (PA) Community College.**

Taught several courses in the criminal justice field.

**FACULTY APPOINTMENTS**

2009 – Present      The Richard Stockton University of New Jersey, Pomona, NJ  
Adjunct Faculty - Forensic Linguistics

2008 – Present      Hofstra University, Hempstead, NY  
Adjunct Faculty - Forensic Linguistics

**SPECIALIZED TRAINING**

1988   Sex Crimes In-Service, Westchester, NY  
1989   Advanced Evidence Collection, FBI Academy  
1992   Advanced Sex Crimes In-Service, FBI Academy

James R. Fitzgerald	Curriculum Vitae	[4]
1993	Kidnapping In-Service, FBI Academy	
1994	New York Police Department Homicide Investigation School, NY	
1994	General Police Instructor, NY	
1995	Armed Forces Institute of Pathology, Death Investigation Course, FBI Academy	
1995	Interpersonal Violence (three month advanced training program at the FBI Academy)	
1998	Threat Assessment Seminar, FBI Academy	
1999	Psychopathy Assessment Seminar, FBI Academy	
1999	Text Analysis/Authorial Attribution Seminar, FBI Academy	
1999	Risk Assessment Conference, FBI Academy	
2000	American Academy of Religions Conference, Nashville, TN	
2001	Forensic Psychiatry Symposium, FBI Academy	
2001	Advanced Text Analysis/Authorial Attribution Seminar, FBI Academy	
2001	International Criminal Investigative Analysts Fellowship Seminar, Key West, FL	
2002	Terrorism Symposium, FBI Academy	
2002	Georgetown University Roundtable Conference on Languages and Linguistics, Washington, DC	
2002	Workplace Violence Seminar, Leesburg, VA	
2002	International Criminal Investigative Analysts Fellowship Seminar, Ft. Myers, FL	
2003	Domestic Violence Seminar, Leesburg, VA	
2006	Counterterrorism Training, Washington, DC	
2006	Expert Testimony Training, FBI Academy	

### **OTHER TRAINING**

1976	Municipal Police Officer Training Course, Pennsylvania State Police Academy
1984	POSIT/POLEX Police Management Course, Pennsylvania State University
1986	FBI National Academy (147 <sup>th</sup> Session)
1988	New Agent Training, FBI Academy

### **MAJOR INVESTIGATIONS/ASSIGNMENTS**

1993	World Trade Center Bombing
1995 – 1998	UNABOM Case
1998 – 2001	Olympics/Southeastern Bombings Task Force
1997 – 1999	Upper East Side Rapist Case with the New York City Police Department
1998 – 2001	Abortion Doctor Shootings Investigation, International Fugitive Hunt
2000	Ten day fugitive hunt/hostage standoff of spree killer, Baltimore County, MD
2001	Double Homicide of Dartmouth College Professors, Hanover, NH
2001 – 2007	9/11 attacks and Anthrax Investigations
2002	Homicide of <i>Wall Street Journal</i> reporter, Pakistan
2002	Washington, DC, metropolitan area Sniper Case
2003	Detainee interview process, Guantanamo Bay, Cuba
2004	Olympic Games Deployment, Athens, Greece
2005	Serial Bomber Case, Venice, Italy
2006	United Nations International Independent Investigation Commission, 2005 Assassination of Lebanese Prime Minister

James R. Fitzgerald

Curriculum Vitae

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2012

Frederick R. Heebe v. Henry L. Mencken 1951 (Civil Lawsuit – Civil District Court for the Parish of New Orleans, State of Louisiana.)

**INTERNATIONAL LIAISON**

- 2001 Arranged two-week visit of a forensic linguist from the Bundeskriminalamt (German Federal Police) to the BAU for purpose of sharing information on text analysis, threat assessment, authorial attribution, databases, and other related matters.
- 2002 A weeklong visit to the Bundeskriminalamt in Wiesbaden, Germany, for the purpose of reviewing their Forensic Linguistic Unit from an operational and administrative perspective. Training was provided to German investigators while there.
- 2006 Co-sponsored, along with other BAU-1 personnel, a police psychologist from the Metropolitan Police Department, New Scotland Yard, London, England.
- 2007 Sponsored a psychologist with the Australian Crime Commission, along with a police sergeant from New South Wales Police Department, to undertake a joint FBI/Australian Crime Commission research project regarding threat assessment.
- 2011 Sponsored a forensic linguist from Aston University, Birmingham, England, as a visiting scholar to review AGI's CTARC.

**EXPERT TESTIMONY**

- 1999 Madison County, West Virginia: qualified in state court as expert in sexual assault and rapist typologies, testified to same in pre-trial hearing in rape prosecution. (West Virginia v. Gullet)
- 2000 U.S. District Court, Newark, New Jersey: qualified in federal court as expert in textual analysis, testified to same at trial in stalking prosecution. This is the first time that testimony relating to textual analysis was allowed in U.S. Federal Court. (U.S. v. VanWyk)
- 2003 Morgan County, Ohio: qualified in state court as expert in forensic linguistics, testified to same in pre-trial hearing in arson prosecution. (Ohio v. Baker)
- 2004 Lycoming County, Pennsylvania: qualified in state court as expert in textual analysis, testified to same at trial in homicide prosecution. (Pennsylvania v. Illes)
- 2005 U.S. District Court, Lubbock, Texas: qualified in federal court as expert in forensic linguistics, testified to same at trial in child pornography prosecution. (U.S. v. Cole)
- 2006 York County, Pennsylvania: qualified in state court as expert in forensic linguistics, testified to same in pre-trial hearing in homicide prosecution. (Pennsylvania v. Hummert)
- 2007 Middlesex County, New Jersey: qualified in state court as expert in forensic linguistics, testified to same in grand jury, pre-trial hearing, and trial in homicide prosecution. (New Jersey v. McGuire)
- 2009 Pennsylvania v. Perez: provided expert testimony in forensic linguistics in double-homicide trial.
- 2010 Bedford County, Virginia: provided expert testimony in homicide trial. (Virginia v. Earnest)
- 2010 U.S. District Court, District of Utah, Central Division: qualified in federal court as expert in forensic linguistics. (U.S. v. Zajac)

James R. Fitzgerald

Curriculum Vitae

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2012 Dallas, Texas: provided expert testimony in forensic linguistics/authorial attribution analysis in state civil court trial. (Coppinger v. Ramsay)

2017 Newark, New Jersey: provided expert testimony in forensic linguistics/authorial attribution analysis in state civil court trial. (Smith v. Township of Irvington)

### **MAJOR CONFERENCES AND PRESENTATIONS**

1994 Mid-Atlantic Food and Drug Investigators Seminar, Brooklyn, NY

1997 Police Institute of Pennsylvania, Somerset, PA

1997 French Delegation to the U.S., FBI Academy, Quantico, VA

1997 Domestic Terrorism Seminar, Phoenix, AZ

1997 FBI Polygraph Examiner Conference, Myrtle Beach, SC

1998 Army CID, Ft. Campbell, KY

1998 Austrian Criminal Justice Delegation, FBI Academy

1998 Committee on Legal Issues Pertaining to Animals, New York, NY

1998 Forensic Nursing Program, Rutgers University, New Brunswick, NJ

1998 Operation Safeguard II, New York, NY

1998 Canadian-American Cooperative Association, Alexandria Bay, NY

1998 Syracuse Police Department Homicide Investigation School, Syracuse, NY

1998 Explorer Scout National Law Enforcement Symposium, College Park, MD

1998 FBI National Academy Enrichment Night, FBI Academy, Quantico, VA

1998 Gresham Police Department Animal Cruelty/Adult Violence Symposium, Gresham, OR

1998 Northwestern School of Law of the Lewis and Clark College, Portland, OR

1998 International Association for Identification, Cape May, NJ

1999 Forensic Psychiatry Symposium, Walter Reed Army Medical Center, Washington, DC

1999 Kings County District Attorney's Office Sexual Assault/Domestic Abuse Seminar, Brooklyn, NY

1999 Association of Threat Assessment Professionals, Regional Conference, Washington, DC

1999 Violent Crime Seminar, Ann Arbor, MI

1999 Association of Threat Assessment Professionals, National Conference, Anaheim, CA

1999 Evidence Response Team Seminar, San Diego, CA

1999 New York Prosecutors Training Institute, Syracuse, NY

1999 17<sup>th</sup> FBI National Academy Retraining Session, Vienna, Austria

1999 FBI Interpersonal Violence Training Program, Threat Assessment/Text Analysis Block, FBI Academy, Quantico, VA

2000 Community Partnership Program, Philadelphia, PA

2000 American Judges Association Educational Conference, Atlantic City, NJ

2000 Weapons of Mass Destruction Conference, San Diego, CA

2000 Association of Government Attorneys Engaged in Capital Litigation, Denver, CO

2000 Association of Threat Assessment Professionals, National Conference, Anaheim, CA

2000 National Center for the Analysis of Violent Crime Regional Conference, Hershey, PA

2001 Community Partnership Program, Philadelphia, PA

2001 International Criminal Investigative Analysts Fellowship Conference, Key West, FL

2001 International Association of Forensic Linguists Conference, Valletta, Malta

2001 FBI National Academy Retraining Session, State College, PA

James R. Fitzgerald

Curriculum Vitae

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2002 Workplace Violence, Threat Assessment, Text Analysis Seminar for Boeing and Microsoft Corporations and local law enforcement agencies, Seattle, Washington

2003 – 2007 Forensic Linguistic/Threat Assessment/Textual Analysis, ongoing instructional block at the FBI National Academy

2004 FBI/John Jay College/New Scotland Yard Biennial Conference, Bucharest, Romania

2004 FBI Regional Conference, Anchorage, AK

2004 Forensic Linguistic/Threat Assessment/Textual Analysis instructional block, New South Wales Police Crime Management Facility, Parramatta, Australia

2004 – 2007 Forensic Linguistic Workshop for Law Enforcement Practitioners, FBI Academy, first-of-its-kind workshop incorporating concepts of forensic linguistics within a law enforcement/investigative framework

2005 FBI Regional Conference, Boise, ID

2005 Forensic Linguistic/Threat Assessment/Textual Analysis instructional block, Texas Tech University School of Law, Lubbock, TX

2005 Ohio Judges Conference, Columbus, OH

2005 Academy of Modern Languages Conference, Washington, DC

2006 Forensic Linguistic Presentation, Hofstra University, Hempstead, NY

2006 FBI New York Division, Serial Bank Robber Presentation

2006 Harvard University Law School, Forensic Linguistics and the Law Presentation, Cambridge, MA

2006 FBI Regional Conference, Ft. Lauderdale, FL

2006 FBI Regional Conference, Eugene, OR

2006 Forensic Linguistic/Threat Assessment/Text Analysis instructional block, multi-agency conference sponsored by U.S. Park Police, Ellis Island, NY

2006 International Association of Forensic Linguists Conference, Barcelona, Spain

2006 Weapons of Mass Destruction Conference, Sponsored by FBI, Indianapolis, IN

2006 Association of Threat Assessment Professionals, Arlington, VA

2006 – Present Georgetown University, visiting lecturer once or twice per semester in linguistics Classes, Washington, DC

2007 Georgetown University, Forensic Linguistics Roundtable Discussion, Washington, DC

2007 U.S. Air Force Academy, Colorado Springs, CO

2007 Forensic Linguistic Presentation, University of Coruna, Coruna, Spain

2007 Forensic Linguistic Presentation, National Institute of Science, Washington, DC

2007 FBI Regional Conference, UCLA, Los Angeles, CA

2007 Dutch National Police Threat Assessment Conference, Leiden, The Netherlands

2007 FBI Regional Conference, Pennsylvania State Police Academy, Hershey, PA

2007 Violent Crime Seminar, Curitiba, Brazil

2008 Two-Day Forensic Linguistic Seminar, University of Cambridge, Cambridge, UK

2008 Forensic Linguistic Presentation, New Jersey State Police Homicide School, Princeton University, Princeton, NJ

2008 Four-Day Forensic Linguistic Course, Cal State Fullerton, Garden Grove, CA

2008 Four-Day Forensic Linguistic Course, Edmonton Police Services, Edmonton, Alberta, Canada

2009 Forensic Linguistics, Arcadia University, Willow Grove, PA

2009 Forensic Linguistics and Threat Assessment, John Jay College, New York, NY

James R. Fitzgerald	Curriculum Vitae	[8]
2009	Colorado Association of Robbery Investigators	
2009	International Association of Forensic Linguists, bi-annual conference, Amsterdam, The Netherlands	
2009	Lecture in Forensic Linguistics, University of Murcia, Murcia, Spain	
2009	Week-long course in Forensic Linguistics, University of Pompeu Fabra, Barcelona, Spain	
2011	Week-long course in Forensic Linguistics, Royal Canadian Mounted Police, Manassas, VA	
2011	Invited Instructor, Aston University International Summer School in Forensic Linguistic Analysis, Birmingham, England	
2011	International Association of Forensic Linguists, bi-annual conference, Birmingham, England	
2011	Forensic Linguistic Presentation, Central Intelligence Agency, Langley, VA	
2011	Forensic Linguistic/Threat Assessment Presentation, Intelligence Agency (classified), London, England	
2012	Forensic Linguistics, Authorial Attribution, and Staged Suicide Communications, John Jay College, New York, NY	
2012	Forensic Linguistic/Threat Assessment Presentation, Black Police Officers Association National Conference, Philadelphia, PA	
2013	Forensic Linguistic Case Study Review, Touro Law School, Suffolk County, NY	
2013	Forensic Linguistic Presentation/Case Studies, American Criminal Justice Association Conference, Keynote Speaker, Valley Forge, PA	
2013	Forensic Linguistic Presentation/Case Studies, Black Police Officers Association, Miami, FL	
2013	Forensic Linguistic Presentation/Case Studies, New Jersey State Police Homicide Conference, Atlantic City, NJ	
2014	Forensic Linguistic Presentation, Universidad Autonoma de Madrid, Madrid, Spain	
2014	Forensic Linguistic Presentation, Cardiff University, Cardiff, Wales	
2014	Forensic Linguistic Presentation, Aston University, Birmingham, UK	
2014	Forensic Linguistic Presentation, Lancaster University, Lancaster, UK	
2015	Forensic Linguistic Five-Day School, U.S. Department of Agriculture	
2017	Forensic Linguistic Two-Day Police School, Toronto, Canada	
2017	Unabom Investigation Presentation and Book Talk, Newseum, Washington, D.C.	

## PROFESSIONAL ASSOCIATIONS

Association of Threat Assessment Professionals, Full Member  
 International Association of Forensic Linguists, Full Member  
 Vidocq Society, Full Member  
 International Criminal Investigative Analyst Fellowship, Full Member

## RESEARCH PROJECTS

1997 – 2000	FBI - Radford University Serial Rapist Research Project
1998 – 2007	FBI - BAU-1 Communicated Threat Assessment Database (CTAD) design and implementation
2005	Language and Gender Research Project Master's Thesis, Georgetown University

James R. Fitzgerald  
**MEDIA INTERVIEWS**

Curriculum Vitae

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1997 FOX TV's America's Most Wanted  
 1999 *Philadelphia Inquirer* Sunday Magazine  
 1999 CBS TV's 60 Minutes II  
 1999 *Hamilton Spectator*, Hamilton, Ontario, Canada  
 1999 National Public Radio WHYY-FM, Philadelphia, PA  
 1999 Philadelphia Daily News  
 1999 ORF, Austrian Broadcasting Corporation, "Blue Danube Radio Show," Vienna, Austria  
 1999 Canadian Broadcasting Corporation, "A Current Affair," Winnipeg, Manitoba, Canada  
 2000 Press conference with numerous electronic and print media outlets, Concord, NH  
 2000 WKBW-TV, Buffalo, NY  
 2001 KDKA-TV, Pittsburgh, PA  
 2001 WRGB-TV, Albany, NY (Tivoli Bay, NY)  
 2001 Press briefing with numerous electronic and print media outlets, Washington, DC  
 2001 CNN, FOX, ABC, NBC, *Philadelphia Inquirer*, Washington, DC  
 2004 Australian Broadcasting Corporation, "A Current Affair," press conference with various electronic and print media outlets; live radio interview, "The Richard Gordon Show," both in Parramatta, Australia  
 2006 *Washington Times*  
 2006 CNN  
 2006 "Criminal Minds" TV show, first season DVD, profiling related interview in Special Features section  
 2006 Press conference with numerous electronic and print media outlets, Seattle, WA  
 2008 Ronald Kessler, September 19, 2008, "FBI Profiler Had It Right in Anthrax Case," [www.newsmax.com](http://www.newsmax.com)  
 2008 Kristen McNamara and Suzanne Barlyn, December 15, 2008, "PRACTICE MANAGEMENT: What Motivates White Collar Criminals?" Dow Jones News Service  
 2009 Fox TV's America's Most Wanted  
 2009 *La Vanguardia* Newspaper, Barcelona, Spain  
 2012 *Frankischer Tag* Newspaper, Bamberg, Germany  
 2012 *New Yorker Magazine*  
 2012 *Newsmax*  
 2012 *Washington Post*  
 2015 *Don Lemon Show*, CNN, May 21, 2015  
*Newsroom Weekend*, CNN, September 12, 2015  
*Erin Burnett Show*, CNN, June 18, 2015, July 15, 2015, September 10, 2015, October 2, 2015, December 3, 2015  
*Crime Time TV with Allison Hope Weiner*, July 21, 2015, August 25, 2015, September 10, 2015, November 1, 2015, December 22, 2015  
 2016 *Erin Burnett Show*, CNN, June 16, 2016  
 Fox News; Yahoo News; AOL Live; CBS Online; Entertainment Tonight Online, September 16, 2016  
 CBS TV's *The Case of: Jon Benet Ramsey*, September 18, 19, 2016  
 WUSA 9 – TV, Washington, DC, September 19, 2016  
 2017 Discovery Channel's *Manhunt: The Unabomber*, August-September 2017, Producer

James R. Fitzgerald	Curriculum Vitae	[10]
2017	<i>Philadelphia Inquirer</i> , July 27, 2017	
2017	Newsweek.com, July 28, 2017	
2017	Fox News Radio	
2017	NPR's <i>Fresh Air</i> , August 22, 2017	
2017	NPR's <i>Here and Now</i> , August 22, 2017	

## **PUBLICATIONS**

2003 "Workplace violence: from threat to intervention," in *Clinics in Occupational and Environmental Medicine*, on Violence in the Workplace

2004 "Using A Forensic Linguistic Approach to Track the Unabomber," in *Profilers*, Campbell, John H., and DeNevi, Don, Prometheus Books

2006 "Forensic Linguistic Services at the Behavioral Analysis Unit-1," an FBI handbook detailing services offered at the BAU-1

2007 "The FBI's Communicated Threat Assessment Database; History, Design, and Implementation," in *FBI Law Enforcement Bulletin*

2014 *A Journey to the Center of the Mind, Book I*, Infinity Publishing

2017 *A Journey to the Center of the Mind, Book II*, Infinity Publishing

2017 *A Journey to the Center of the Mind, Book III*, Infinity Publishing

# **James R. Fitzgerald Associates, LLC**

James R. Fitzgerald Associates, LLC  
615 Route 9 S.  
#803  
Cape May Court House, New Jersey 08210

Mintz Group  
450 Sansome Street, Suite 700  
San Francisco, CA 94111

Attn: Staci E. Dresher  
Partner, Associate General Counsel

October 2, 2017

RE: **JRF Case No. 17-103**  
**BOFI – Potential Defamation Matter**

## **FORENSIC LINGUISTIC/AUTHORIAL ATTRIBUTION REPORT**

This report is based on the receipt of various written communications relating to captioned Mintz Group investigation and their subsequent analysis by James R. Fitzgerald Associates (JRF). The communications electronically forwarded to JRF by Ms. Dresher include approximately 90 messages found on Twitter accounts listed under the names “@Tysoncapllc” (@T) and “@AureliusValue” (@A).

### **Questioned Communications**

JRF assessed approximately 90 Twitter messages, aka “tweets,” under the two aforementioned names, in an attempt to determine if there are common authorship features between them. In other words, did the author of one set of tweets, specifically @T, possibly compose and subsequently post some of the tweets found in @A?

In this analytical undertaking, JRF assessed approximately 50 separate @T tweets, and approximately 40 separate @A tweets.

### **Authorial Attribution Analysis**

After a careful and thorough linguistic analysis and assessment of the approximately 90 aforementioned communications of both @T and @A, it is readily apparent on the surface that the topic, theme, and tone of each is virtually identical throughout. That is, virtually every tweet message is negative as it relates to BOFI and/or its management.

Also readily apparent in the various tweet messages is an inconsistency in the choices of punctuation utilized between them. Specifically, it is apparent that in at least 30 tweets the author of @T chooses to omit a standard period (".") at the end of the message. The period is omitted even when there are fewer than the maximum 140 characters present in the message. In the @T tweets, there are only two messages which end with a standard period. In the @T tweets, some of the other messages end in points of ellipses, question marks, and exclamation marks.

Overall, the writing style found within the @T tweets appears relatively consistent. It is opined that most, if not all, of the @T tweets are the result of one contributor/author.

In the @A tweets, at least 13 of the messages end with a standard period. In at least 21 of the messages the period is omitted. At least three messages end in exclamation points, and two messages end in points of ellipses. Overall, the writing style found within the @A tweets appears relatively inconsistent. It is opined that the 40 @A tweets are the result of more than one contributor/author.

### **Conclusion**

Punctuation inconsistency within a similarly themed set of tweets by the same author/contributor is found to be relatively rare in the experience of JRF. In this matter, it is likely reflective of the fact that there was more than one author of the 40 @A tweets. It is likely that the author of the @T tweets, on numerous occasions, chose to tweet under the @A Twitter account as at least one of its several contributors/authors.

If there are any questions or comments regarding this report, please feel free to contact James R. Fitzgerald Associates, LLC, at [jfitzjourney@gmail.com](mailto:jfitzjourney@gmail.com).